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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 4:22-cv-01490-JST

**DEFENDANT NETFLIX, INC.'S
UNOPPOSED LOCAL RULE 7-11
ADMINISTRATIVE MOTION FOR
CLARIFICATION REGARDING RULE 45
DISCOVERY**

Judge: Hon. Jon S. Tigar

1 On November 6, 2023, Netflix moved (i) for an Order To Show Cause Why Valjakka And
2 AiPi Should Not Be Sanctioned for violating this Court’s Preliminary Injunction, and (ii) for joinder
3 of AiPi under Federal Rule of Civil Procedure 19. Dkt. Nos. 216, 217. On November 24, 2023, AiPi
4 opposed Netflix’s joinder motion, representing to this Court:

5 “AiPi as a third party, will comply fully with the PI and is ready and willing to comply with
6 any discovery requests directed thereto.” Lund Decl., Dkt. No. 233-1, ¶ 27.

7 “AiPi as a third party, will comply fully with the PI and is ready and willing to comply with
8 any discovery requests directed thereto.” Opp., Dkt. No. 233, 3:5-7.

9 “AiPi has on numerous occasions expressed complete willingness to comply with any and
10 all discovery requests, if only Netflix’s counsel would ask instead of filing motions to join.”
11 *Id.*, at 9:16-18.

12 On January 5, 2024, this Court vacated the hearing on Netflix’s two motions finding “the
13 matter suitable for disposition without oral argument.” Dkt. No. 256. On January 18, 23, and 25,
14 Netflix served AiPi with Rule 45 discovery, via email, upon AiPi’s counsel of record, and upon AiPi
15 itself, respectively. Dkt. No. 261.

16 Even though AiPi repeatedly told this Court it would “comply fully” with Rule 45 discovery,
17 on January 31, 2024, AiPi moved to quash Netflix’s Rule 45 subpoena in the Eastern District of
18 Virginia. Dkt. No. 264. On February 13, 2024, Netflix opposed AiPi’s motion to quash. Lamkin
19 Decl., Exh A. In the February 23, 2024 hearing on AiPi’s motion to quash, Magistrate Judge
20 Fitzpatrick granted AiPi’s motion, finding that he did not have authority to allow discovery because,
21 in his view, discovery was closed in this matter. Lamkin Decl., Exh. B, at 11-12; 15:21–16:9.
22 Magistrate Judge Fitzpatrick asked Netflix to seek clarification from this Court as to whether Rule
23 45 discovery could be served upon AiPi. *Id.*

24 Thus, Netflix files this administrative motion seeking clarification from this Court on
25 whether Netflix may serve Rule 45 discovery upon AiPi. Netflix believes Rule 45 discovery is
26 warranted. Netflix needs discovery over AiPi to ascertain whether AiPi is in compliance with this
27
28

Court's preliminary injunction order and the extent of AiPi's liability to Netflix. The trial in this matter is set for September 2024 and discovery now will not delay said trial (as long as AiPi responds without undue delay). Plaintiff Lauri Valjakka does not oppose this motion.

Dated: February 26, 2024

Respectfully submitted,

/s/ Rachael D. Lamkin

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